

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Docket No. 3:13-CR-00019-FDW

UNITED STATES OF AMERICA,)
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 Plaintiff,)
)
)
vs.) ORDER
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)
(1) THEODORE FALLS,)
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)
 Defendant.)
)
)
CASSANDRA LIGON)
 Petitioner)
)
)

THIS MATTER is before the Court sua sponte following the filing of the Government's Motion to Dismiss Third-Party Petition, or in the alternative, for Judgment on the Pleadings on April 7, 2014 (Doc. No. 132).

On March 10, 2014, the Government sent Petitioner a Notice of Forfeiture advising her of the Preliminary Order of Forfeiture for the property located at 1222 Karrendale Avenue, Charlotte, NC 28208, (Doc. No. 124), and the procedure to file a petition contesting the forfeiture. (Doc. No. 126). In response, Petitioner mailed a Petition, (Doc. No. 26), to Assistant United States Attorney William Brafford, who forwarded the Petition to the Clerk's Office to be filed on March 24, 2014.

In accordance with Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the Court advises Petitioner, who is proceeding pro se, that she has a right to respond to the Government's Motion to Dismiss the Petition for failure to comply with the requirements of 21 U.S.C § 853(n)(3). The Government alleges that the Petition fails to comply with § 853(n)(3) because Petitioner failed to sign the Petition under penalty of perjury. Because the Government has consented, the Court

will grant Petitioner an extension of time to file **an amended petition signed under penalty of perjury** with the Court to cure this defect. Accordingly, Petitioner has until **Thursday, April 24, 2014**, to file an amended petition with the Court. **The Court advises Petitioner to file her amended petition with the Clerk of Court for the United States District Court for the Western District of North Carolina located at 401 West Trade Street, Charlotte, NC 28202. The Court further advises Petitioner that failure to timely respond may result in the Government being granted the relief it seeks, specifically DISMISSAL OF THE PETITION.**

IT IS THEREFORE ORDERED that Petitioner is GRANTED an extension of time until **Thursday, April 24, 2014**, to file an amended petition signed under penalty of perjury with the Court. The Clerk's Office is DIRECTED to send a copy of this Order to Petitioner's address of record.

IT IS SO ORDERED.

Signed: April 10, 2014



Frank D. Whitney
Chief United States District Judge

